

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 THE HON. MICHAEL J. McSHANE, JUDGE PRESIDING

4
5 UNITED STATES OF AMERICA,)

6 Government,)

7 vs.) No. 6:14-cr-00482-MC-1

8 DANIEL STEPHEN JOHNSON,)

9 Defendant.)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 EUGENE, OREGON

13 Monday, May 7, 2018

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PROCEEDINGS

Monday, May 7, 2018, at 1:18 p.m.

MR. WEINERMAN: Judge, we were hoping to get our exhibits admitted, so we can publish them as we go. I have handed Ms. Pew -- I think Ms. Pew has the amended exhibit list. So I am going to go through this. It's Exhibit 600, Exhibit 602, 603, 604, 605, 606, and I believe there's still a dispute about 607, at least some of them. But I think we've removed all the objectionable ones; is that correct? So 607, I think, as redacted -- 608, 609, 610, same with 611, there was some disputes and we removed some. So the remaining ones the government doesn't object to. 612, 613, I think we did some revisions and the government is satisfied. Same with 614, 615, 616, 617 and for now that's the extent of our exhibits.

(EXHIBIT 600, 602 to 617 OFFERED.)

THE COURT: With the revisions and redactions that were made, any objections?

MR. SWEET: Mr. Weinerman went through those as fast as I went through the chat, so I was trying to keep up. But based on our conversations with the defense, I think we're in agreement on everything. And we certainly don't have an objection to publication today. And if we come across anything, prior to the submission to the jury, I am sure we

1 can work it out with the defense.

2 THE COURT: They will be published.

3 (EXHIBIT 600, 601 to 617 RECEIVED.)

4 THE COURT: Okay, let's get our witness and our
5 translator.

6 MR. WEINERMAN: I forgot one, Judge, and it's
7 Exhibit 700, if the government doesn't object.

8 (EXHIBIT 700 OFFERED.)

9 MR. SWEET: No objection to 700.

10 And, Your Honor, the witness is in the restroom
11 right now, so if we could wait just one moment.

12 THE COURT: Sure.

13 (JURY IN.)

14 THE COURT: Please be seated, everybody. And we
15 will return to direct examination of Mr. BT X.

16 MR. SWEET: Thank you.

17
18 DIRECT EXAMINATION Continuing

19 BY MR. SWEET:

20 Q I have a few more matters to discuss. I want to clarify
21 one thing. If we could look at 271, please?

22 MR. SWEET: And if we could publish --

23 Q BY MR. SWEET: BT XX, for this location, I wanted to
24 clarify, where did you sleep, please?

25 A At the lower level.

1 Q And in whose room did you sleep?

2 A I slept in Daniel Johnson's room.

3 Q Did you have a bunk bed in his room at this location?

4 A Yes.

5 Q And so, BT XX, I wanted to ask you, as well, looking at
6 the Facebook chats, you obviously can communicate in English
7 and you are speaking with an interpreter here. And I wanted
8 to ask, there's some technical vocabulary and this is a more
9 stressful situation?

10 A Yes.

11 Q And so there are -- I would like to turn back to
12 Government's Exhibit 163, for a moment. I am told I went
13 through some of these very fast, so there are a few I want to
14 talk to you about, and make sure that we understand what is
15 being said. So if we could look first, please, at page 214.

16 A (Complies.)

17 Q And the middle highlighted section, expand that, please.
18 And BT XX, is the date on top, February 5th of 2014?

19 A Yes.

20 Q And that's after Mr. Johnson was arrested at the end of
21 2013?

22 A Correct.

23 Q So I want to ask you about the meaning of something that
24 you wrote. I am going to read this part. It says, I have
25 been praying for you many years that God will clean your

1 heart and become a faithful and a man after God heart.

2 That's what I expected to see out of you. God answered to my
3 prayer, many time.

4 What is it that you meant by that, please?

5 A Meaning at that time there were many people who came to
6 help, and then -- but he created problems for them, and so
7 they left.

8 Q And is the "he" referring to Daniel Johnson?

9 A Yes.

10 Q And then a little bit lower on that same page, the
11 section in yellow -- actually, two questions. Second God
12 sent Kalar.

13 Who is Kalar, please?

14 A I meant -- I mean, Karla Comstock.

15 Q And then you wrote, It's shame on me that I said nothing
16 and agreed with you. Even me, I lived with you in fear and
17 painful.

18 What did you mean by that?

19 A I meaning that I regretted that, and also the cries
20 within my heart that I didn't say anything.

21 Q And just one more on that page, in the middle of the
22 highlighted section, I knew long time already that you had
23 sexual abuse to the kids, but I didn't want defile you.

24 What did you mean by that?

25 A What I meant is if I report him and he knew about it,

1 and then he would run away. And then the organization would
2 be closed, and then the children would be disarray and not
3 know where to go.

4 Q And page 2416, please, at the top. So I want to ask you
5 what you mean when you wrote, They said you go out at night,
6 almost every night, and got back in orgy and drunkenness.
7 And this is the key part. Then you did inappropriate to LS X
8 and ES XXX.

9 What did you mean by "did inappropriate to LS X and
10 ES XXX"?

11 A I meant he did something to like the important parts,
12 and also it's like he did something that was connected to
13 sexual --

14 Q Sexual abuse?

15 A Yes.

16 Q So BT XX, this is a -- this conversation took place over
17 a few months; is that correct?

18 A Yes.

19 Q On page 2420, at the top, please, in your back and forth
20 regarding things, Mr. Johnson wrote here, There is absolutely
21 nothing in Vietnam.

22 When he said there's nothing in Vietnam, did you
23 understand nothing to mean no sex abuse?

24 MR. WEINERMAN: Objection; leading, calls for
25 speculation. Leading.

1 THE COURT: I will allow some leading to clarify the
2 issue.

3 THE WITNESS: Yes.

4 Q BY MR. SWEET: And one more, essentially, the same
5 question, on 2421. This is the last one like this, the
6 middle, top. I tell you, I did nothing in the USA.

7 Same question. Did you understand nothing to refer
8 to sexual abuse from your participation in the overall
9 conversation?

10 A Yes.

11 Q Thank you. I have two more for you, BT XX. At the
12 bottom of 2427 -- excuse me, 2426, in the yellow, The tongue
13 is like small flame, but it can destroy an entire forest or
14 cause a new forest to flourish and grow.

15 What did you understand from that?

16 A To me.

17 MR. WEINERMAN: Judge, I am going to object to him
18 interpreting what somebody else meant. It calls for
19 speculation.

20 THE COURT: Rephrase the question to go toward the
21 witness's own understanding.

22 Q BY MR. SWEET: BT XX, when you read this, what did you
23 understand that to mean?

24 A To me, I understand that he did not want me to say the
25 truth.

1 Q Last question, BT XX. Do you recall in any of these
2 chats Mr. Johnson ever telling you that he did nothing in
3 Cambodia?

4 A No, he did not say anything. He did not deny anything.

5 MR. SWEET: Thank you, Your Honor. Pass this
6 witness.

7 THE COURT: Mr. BT X, I'm going to have
8 Mr. Johnson's attorneys ask you some questions now.

9 MR. WEINERMAN: Can we have that exhibit back up? I
10 have one question, 2414.

11
12 CROSS EXAMINATION

13 BY MR. WEINERMAN:

14 Q Could the government put that up since they have
15 Exhibit 163, page 2414? If we could make it a little bigger.
16 Why don't we go a little further down.

17 So Mr. BT X, this is a chat that you wrote to
18 Mr. Johnson on February 5, 2014, and you have already
19 answered many questions about it, correct?

20 A Yes.

21 Q And in this chat, towards the bottom, you say, Remember
22 when Lona, Bill, Melissa and Brandy were in Cambodia and
23 prayed for everyone? Remember that?

24 A Yes.

25 Q And those are supporters of Hope Transition Center from

1 the United States, correct?

2 A Yes.

3 Q And you said that you felt the Holy Ghost gave you
4 courage to tell directly what you -- referring to Daniel
5 Johnson -- did is sinful.

6 Do you remember saying that?

7 A Yes, I remember.

8 Q And then you went on to say, But you still denied it.
9 "You" referring to Daniel Johnson, correct?

10 A Yes, I referred to Daniel Johnson.

11 Q Daniel Johnson denying sex abuse, correct?

12 A Yes.

13 Q And if one was to go back through all of the chats that
14 preceded this, would there be a gap in the chats that you
15 exchanged with Daniel Johnson before February 5, 2014. In
16 other words, did you delete any chats that preceded this one
17 in which Daniel Johnson said that he denied sexual abuse?

18 A I did not delete anything.

19 Q Now, I have some questions for you on some of the
20 defense exhibits. And I am just going to ask you if you
21 recognize some of them, so we're going to start with
22 Exhibit 602, page 1. And this should be published to
23 everyone, so if you don't have it, please say something. So
24 far, I know no one has it.

25 601 -- 602, sorry, page 1. So you recognize this

1 building, correct?

2 A Yes. I do.

3 Q And that's where the Coffee Ministry was, correct?

4 A Yes, Coffee Ministry took place there.

5 Q Did a man named Pilot and his wife reside in this
6 building?

7 A Yes, he lived there. I had been there for a while
8 before he moved in.

9 Q And then when he moved in, more kids started moving into
10 this particular building, correct?

11 A Yes.

12 Q And he was a house parent. He supervised the kids; is
13 that correct?

14 A Yes.

15 Q He and his wife?

16 A Yes.

17 Q Page 2, same exhibit. Is this an office building in the
18 Coffee House Ministry house -- I am sorry, an office in the
19 Coffee House Ministry building?

20 A Yes.

21 Q And with Daniel Johnson is a man Thearith,
22 T-H-E-A-R-I-T-H?

23 A Yes. He is -- I mean, he was the interpreter.

24 Q He was a translator?

25 A Yes.

1 Q And you eventually became a translator for Daniel
2 Johnson?

3 A At that time he finish his study, and he had a job so he
4 left.

5 Q Page 3, same exhibit. Is this a room in the Coffee
6 House Ministry building where people learned how to use
7 computers?

8 A Correct.

9 Q Page 5, same exhibit, another room in the building where
10 people studied, correct?

11 A Yes. At the bottom level.

12 Q Page 6, same exhibit. Same thing, a class of some sort?

13 A Yes. English class.

14 Q And the same on page 7, same exhibit?

15 A Yes. That was in the same class.

16 Q Same Coffee House Ministry building?

17 A Yes.

18 Q You can tell there's some papers that these kids are
19 writing on, English letters, correct?

20 A Correct.

21 Q And did you take classes like that to improve your
22 English at this same building?

23 A Yes, but I did not go to school in that place.

24 Q Right. You went outside the building. You went to
25 school outside the building?

1 A At the beginning, I used to go to take class like that.
2 But it was at the first house with him.

3 Q But you had to leave the building to go to class. You
4 went to school outside the building, correct?

5 A Are you talking about English class or school or
6 Cambodia school?

7 Q I am taking about both. Let's talk first about
8 Cambodian school?

9 A Yes, I went to Boeung Tompun High School, Cambodian
10 school.

11 Q And is it true you have to pay to go to high school at
12 Cambodia, or at least you have to pay the teachers?

13 A Yes, because the teachers, they sell lessons, paper, so
14 you have to buy it in order to learn. And if you are taking
15 different courses, such as physics or mathematics, you have
16 to pay separately.

17 Q Did Daniel Johnson help you pay for some of your classes
18 at the high school?

19 A Yes, he helped some.

20 Q Page 8, same exhibit. Would this be Bible study at the
21 Coffee House Ministry?

22 A Yes, they were singing gospel to praise the Lord.

23 Q Next page, I don't have a page number, but it's -- no
24 page number on the next one. Should be the next page. Do
25 you recognize that photograph?

1 A Yes, I do.

2 Q And you are the young man to the right, standing up
3 wearing the red shirt, correct?

4 A Yes, with the red shirt on.

5 Q And this was the Coffee House Ministry building?

6 A Yes.

7 Q It's like a play area for kids to play?

8 A Yes.

9 Q Is that part of the Bible study or games that kids would
10 play who attended events at the Coffee House Ministry?

11 A Yes.

12 Q Now, we have another one that popped up. This is some
13 of the people cooking food for people at these events?

14 A Yes.

15 Q Kids eating the food at the ministry event?

16 A Correct.

17 Q And people playing music and people singing and things
18 at the Coffee House Ministry, correct?

19 A Yes.

20 Q And Daniel Johnson held these events at the Coffee House
21 Ministry couple times a week, two times a week?

22 A He did it like once a week.

23 Q Once a week. Many people would attend these events?

24 A Yeah. Majority of them were kids, between 40 to 50
25 kids.

1 Q And would adults attend, as well?

2 A Yes, there were, but not too many.

3 Q So Exhibit 603, first page, so this is the -- I think
4 for you, this was the fourth house you lived in with Daniel?

5 A Yes, that is correct.

6 Q And is it true that you helped Daniel locate this house?
7 In other words, when he had to move out of the Coffee
8 Ministry house, you helped him find this house?

9 A Yes.

10 Q Exhibit 603, page 4, do you recognize this as a collage
11 of different photographs that you sent to Daniel Johnson
12 about the new building?

13 A Yes, I remember.

14 Q Daniel Johnson was in the United States doing fund
15 raising and you were responsible for administering things at
16 Hope Transition Center?

17 A Yes.

18 Q Page 5, same exhibit. And these next series of
19 photographs shows moving into this new building, correct?

20 A Correct.

21 Q The next one, same with these next two photographs,
22 shows moving from that first building to the next building,
23 correct?

24 A Correct.

25 Q Page 12, same exhibit. Was there some construction work

1 that had to be done in order to make the building fit to
2 house all the kids?

3 A Yes, the brick wall, we had to -- they had to raise them
4 up a little bit.

5 Q For security?

6 A Yes.

7 Q Page 16, same exhibit. And page 17, this was drawings
8 that people did on the inside walls of the building?

9 A Yes.

10 Q I don't have a page number -- do you recognize this
11 photograph?

12 A I remember.

13 Q From left to right, Daniel, Pastor Sopheak, PE XX and
14 BT XX, you?

15 A Yes.

16 Q And this was at the same building?

17 A This is not the building that we just moved in. It is
18 the other building, he got that for girls.

19 Q So that second building, there was one building for the
20 boys, one building for the girls?

21 A Yes, because the -- that place is so small. It was too
22 small. That's why he rented another building to house the
23 girls.

24 Q Page 22 of the same exhibit, is this the girls'
25 building?

1 A No. That house is the boys' building.

2 Q That's the boys. All right. Next one. Is that you
3 cooking or helping someone cook?

4 A Yes, I am helping PE XX and his older sister.

5 Q Boys' building or girls' building?

6 A Boys.

7 Q Do you recognize this person?

8 A Yes, I do.

9 Q That's -- I may be mispronouncing her name, Channy?

10 A No.

11 Q Who is that?

12 A That is ES XXX and LS X's mom.

13 Q Did she live at the building?

14 A She lived at the girls' building.

15 Q So she was like a house mother?

16 A Yes.

17 Q Took care of the girls?

18 A Yes.

19 Q How about the boys? Does she take care of the boys,
20 sometimes?

21 A The boys, no, she did not.

22 Q Page 26, another view of the girls' building?

23 A Yes.

24 Q Page 603 -- I am sorry, Exhibit 603, page 29. Sorry.
25 Is this one of the dorms where the girls stayed?

1 A Yes, but I don't know where that dorm room is, because
2 looking like that, I am not clear. So I don't remember.

3 Q So you don't remember whether it's the girls' building
4 or not?

5 A Looking at it, maybe it is a girl's room, one of the
6 girls' rooms.

7 Q Page 36, same exhibit, is this the kitchen for the
8 girls?

9 A Correct.

10 Q Page 37, another part of the girls' building?

11 A Yes.

12 Q Exhibit 604, I want to show you some photographs that
13 were taken at the last building, the one that -- between, I
14 think, the summer of 2012 and December 2013, which is when
15 Daniel was arrested.

16 So does this photograph look like that building, the
17 last one you stayed in?

18 A Yes, that's the building.

19 Q Do you recognize that they are putting up a sign that
20 says Hope Transition Center on the glass door?

21 A Yes, I remember.

22 Q Next page, and this is a more close-up version. If you
23 look really carefully, you can see to the left of the ladder
24 some hands, and underneath you can see the word "Hope."

25 Let's see if we can make that bigger. Do you see that?

1 A Yes.

2 Q That was the signage that was on the building, correct?

3 A Correct.

4 Q Next page is even a better blowup of it. That was the
5 sign that was on the glass, above the glass doors?

6 A Yes.

7 Q Next, and that's a photograph of you. You are the
8 second from the right; is that correct?

9 A Yes.

10 Q And this is as you were moving into this new building,
11 correct?

12 A Yes.

13 Q Page 6, do you recognize that as some of the boys and
14 girls who lived in the last building?

15 A Yes, I remember.

16 Q Are you present in this photograph?

17 A It appears that I am not. No.

18 Q Page 8, is that the hallway, the breezeway of that
19 building?

20 A Yes, that is the place where we ate outside.

21 Q And the next page, who is that in this photograph?

22 A Her name is Channy.

23 Q Was she the house mom?

24 A Yes.

25 Q Page 14, is that the boys' dormitory?

1 A Yes.

2 Q And bunk beds?

3 A Yes.

4 Q Crowded?

5 A It was kind of crowded.

6 Q Air conditioning or no air conditioning?

7 A No.

8 Q TV?

9 A No TV.

10 Q Movies?

11 A No.

12 Q Had to go to Daniel's room for that?

13 A We had a television close to Daniel's room, or next to

14 Daniel's room.

15 Q The dorm was on the second floor -- third floor, third

16 floor.

17 A Yes, third floor.

18 Q Daniel's room was on the first floor?

19 A Yes.

20 Q And the last from this batch is page 21. And this is

21 where guests would stay?

22 A Yes.

23 Q Second floor -- fourth floor, fourth floor?

24 A Yes. Fourth floor.

25 Q Exhibit 605, page 1 -- actually, why don't we go to page

1 3. When Hope Transition Center rented that third building,
2 you were the one who actually signed the lease; is that
3 correct?

4 A The lease for -- the contract for the third place?

5 Q The lease, the third building that I just showed you the
6 photographs of -- hold on here.

7 A The last house?

8 Q Hold on. Let me see if we can get the exhibit up.

9 Let's put the English version up, Exhibit 605, page 1. So
10 this is the English translation of the lease. So do you know
11 what building I am talking about?

12 A Yes, I remember the building.

13 Q Do you see your name on the lease? That's been
14 magnified.

15 A Yes.

16 Q And you signed the lease for -- to rent the building for
17 Hope Transition Center?

18 A Yes.

19 Q Exhibit 606, page 1, have you ever -- are you familiar
20 with the Hope Transition Vision Statement, Mission Statement,
21 Purpose Statement?

22 A Yes, I have seen it.

23 Q And the next page is the organizational structure
24 definitions, and your name is mentioned as the assistant
25 country co-director.

1 A Yes, that is my name.

2 Q Did Hope Transitions have meetings of the board of
3 directors?

4 A Yes, they had.

5 Q At the building?

6 A Yes.

7 Q And would you attend some of those meetings?

8 A Yes, I participated.

9 Q Page 11, Exhibit 606, do you see your name on this
10 exhibit as having attended a meeting on March 6, 2013?

11 A Yes.

12 Q And there are others just like this, you attended -- you
13 attended other board meetings, as well; is that correct?

14 A Yes.

15 Q Exhibit 607, did Daniel send out updates, newsletters to
16 donors in the United States and other places to keep them
17 up-to-date what was going on at Hope Transition Center?

18 A Yes.

19 Q And this was sent to potential donors or current donors
20 in the United States?

21 A Yes.

22 Q And this is an example of one of them?

23 A Yes.

24 Q Exhibit 608, page 1, another newsletter that was
25 distributed to donors?

1 A Yes.

2 Q Page 3, do you recognize this as a Power Point that was
3 prepared to make presentations to church groups in the United
4 States?

5 A Yes.

6 Q And the date says, Hope Transitions December 2012 to
7 March 2013. You were still in Cambodia at that time,
8 correct?

9 A Yes.

10 Q And so are you familiar with this Power Point and what
11 is in it?

12 A Yes, I have seen it.

13 Q And when you were in the United States starting in
14 August 2013, did you show it to anyone when you were here in
15 the United States?

16 A I showed this Power Point to the church that I attended,
17 the church at Albany.

18 Q And where was that?

19 THE COURT: I think he said Albany.

20 Q BY MR. WEINERMAN: I am sorry. So it was Albany in
21 Oregon?

22 A Albany in Oregon.

23 Q Exhibit 609, page 1. So do you recognize this as an
24 intake form that someone would fill out if they wanted their
25 child to live at Hope Transition Center?

1 A Yes, that is correct. I remember.

2 Q Exhibit 610, do you recognize this photograph?

3 A I do.

4 Q It's the garbage dump in Phnom Penh?

5 A Yes, landfill.

6 Q Exhibit 2 -- I am sorry, page 2. And did Hope
7 Transition Center, Daniel, you, and some of the others try to
8 help some of the people who lived in this garbage dump?

9 A We went to visit, and to see the kids, but we didn't get
10 to help them. And we didn't help them. We didn't go very
11 often, but -- but we had two or three kids who came to live
12 at the center who came from the landfill.

13 Q So you would go to the landfill, and brought some kids
14 back, a few kids back?

15 A No. I was not the one who took them.

16 Q Who brought them back?

17 A It was Mr. Daniel Johnson and someone who worked with
18 him. I don't know who.

19 Q And did he also try to find work in people's homes for
20 some of the women who lived at the garbage dump?

21 A That, I don't know. I don't know anything that had
22 anything to do with that.

23 Q Exhibit 611, page two, Daniel built wells for people in
24 the countryside?

25 A Yes.

1 Q And did you ever help with that?

2 A I helped with getting people to make the sign, or the
3 plaque. So I got somebody to do the plaques for us.

4 Q Were you involved with paying people who helped with the
5 work?

6 A No. People who built the well, I had nothing to do with
7 it.

8 Q Exhibit 612, so Daniel also put together eyeglass
9 ministries for people in some of the villages?

10 A Yes.

11 Q And did you help with that?

12 A I helped him once, because at the time I was busy going
13 to school.

14 Q Page 612, page 4, this is another eyeglass clinic. Is
15 this the type of eyeglass clinic that Daniel put on?

16 A Yes.

17 Q Page 6. The people who fit the patients with the
18 eyeglasses, did they come from the United States to do this?

19 A Yes, there was a team from the United States, they came
20 to help.

21 Q Exhibit 613, Daniel also organized medical clinics for
22 people in the country?

23 A Yes, it was a plan.

24 Q Do you recognize the woman in this photograph?

25 A I heard of her, but I have never seen her.

1 Q Did you hear that she had to have that growth removed
2 from her neck?

3 A Yes.

4 Q Page 4, and this is her after the surgery?

5 A Yes.

6 Q Page 10, do you recognize the man in that photograph?

7 A Yes. Yes, I do.

8 Q Pastor Sinai?

9 A Yes.

10 Q And was this one of the medical clinics?

11 A Yes.

12 Q Exhibit 614, page 1, do you recognize this photograph?

13 I think you are in this one.

14 A Yes, I remember.

15 Q Why don't you put a little -- touch the part where you
16 are.

17 A It doesn't make a mark -- right there.

18 Q And this was a ministry? What was this, a religious
19 event?

20 A Yes, it's a ministry with trying to invite people to
21 come to the church.

22 Q Do you know what -- where this was? What part of
23 Cambodia?

24 A At Prey Veng.

25 Q Next page, page 2, is that the same Outreach Ministry?

1 A Yes.

2 Q And that's Daniel talking to the group?

3 A Yes.

4 Q And you are translating for him?

5 A Yes.

6 Q And would you do that a lot?

7 A Yes, majority of the time.

8 Q Next page, is this another ministry?

9 A Correct.

10 Q And do you know where this one was?

11 A That one was at Svay Rieng, S-V-A-Y, R-I-E-N-G.

12 Q I have a page number. And Daniel also did water
13 baptisms?

14 A Yes.

15 Q 615, Exhibit 615, page 2, do you recognize that church?

16 A Yes. At the Kampot.

17 Q And that was before Daniel and his group repaired it,
18 correct?

19 THE INTERPRETER: I am sorry, Counsel, the
20 interpreter did not hear the last part of your question.

21 Q BY MR. WEINERMAN: I am sorry. I will get a little
22 closer.

23 Is this photograph of the church in Kampot before it
24 was renovated?

25 A Correct.

1 Q Is this part of the renovation?

2 A Yes.

3 Q Did you help?

4 A I helped some.

5 Q Page 5, same thing, part of the renovation?

6 A Yes. The bathroom part.

7 Q Page 6, this is what it looked like when it was done or
8 almost done?

9 A Yes.

10 Q Page 10, do you recognize this photograph?

11 A Yes.

12 Q And that's you, and would that be Chuck Roberts teaching
13 children in the church in Kampot?

14 A Yes.

15 Q You are translating for him?

16 A Yes, I interpreted for him.

17 Q Same thing on page 12?

18 A Yes.

19 Q Page 48, that's what it looks like now?

20 A Yes.

21 Q Exhibit 615, page 615, page 1 -- 616, page 1, is that
22 the model drawings for the church complex in Prey Veng?

23 A Yes.

24 Q Page 23, so are these volunteers working on the
25 construction of the church in Prey Veng?

1 A Yes.

2 Q And they are from Skyline in Oregon?

3 A Yes.

4 Q Page 51, so this is the church after it was built?

5 A Yes.

6 Q Exhibit 43 -- I am sorry. Exhibit 616, page 43. This
7 is a photograph of the building process for that church. Do
8 you recognize the two people in that photograph?

9 A Yes.

10 Q And is the younger one ES XXX?

11 A Yes, ES XXX.

12 Q And the older man is Pastor Kim San?

13 A Yes.

14 Q And he's the pastor for the church in Prey Veng?

15 A Yes.

16 Q Page 238, is this the housing for students that was
17 built at Prey Veng?

18 A Yes. It was for -- the goal was to house the kids.

19 Q Page 209. Is that the playground next to the church?

20 A Yes.

21 Q Page 193, is that the partially completed medical clinic
22 next to the church?

23 A Yes.

24 Q Thank you for sitting through that, and identifying all
25 of those photographs.

1 A Yes.

2 Q So I have a number of questions for you regarding your
3 testimony. So it's fair to say that Daniel has done a lot to
4 help you before he was arrested in 2013?

5 A Correct.

6 Q You lived in poor conditions before you started living
7 with Daniel at Hope Transition Center?

8 A Yes.

9 Q And he helped you with your education?

10 A Yes.

11 Q Paid for some of it?

12 A Yes.

13 Q And before Daniel was arrested, were you attending the
14 university in Cambodia?

15 A Yes, I did.

16 Q And he helped pay for some of that?

17 A Yes, he did.

18 Q And he encouraged you to go to church?

19 A Yes.

20 Q And he helped you run his ministry in Cambodia?

21 A Yes.

22 Q And he -- you started as a volunteer at Hope Transition
23 Center?

24 A Correct.

25 Q And then you moved up into a paying position?

1 A Yes.

2 Q You were an assistant administrator?

3 A Yes.

4 Q And then you were the administrator?

5 A Yes.

6 Q And you helped Daniel promote the ministry?

7 A Yes.

8 Q And you helped with fund raising?

9 A Collecting money, no.

10 Q Helping to raise it. Not actually collecting it, but
11 helping Daniel get people to donate money for his ministry?

12 A Yes, like helping taking photographs, and things like
13 that. I did do that.

14 Q And Daniel was your mentor?

15 A Yes.

16 Q And you helped manage the projects, the building
17 projects in Prey Veng and Kampot?

18 A Yes, when I have some free time from school, I went to
19 help.

20 Q And Daniel took you on trips with him?

21 A Yes.

22 Q Trips to Vietnam?

23 A Yes.

24 Q Thailand?

25 A Yes.

1 Q To teach the gospel?

2 A No, we went for pleasure.

3 Q So you went on vacations with him?

4 A Yes.

5 Q You never went on religious missions to these countries?

6 A No, not at all.

7 Q So from time to time, Daniel had to leave Hope
8 Transition Center and go to the United States to raise money?

9 A Yes.

10 Q And when he would leave, you would be running Hope
11 Transition Center?

12 A Yes.

13 Q And you would have to take care of the kids?

14 A Yes.

15 Q And discipline the kids, sometimes?

16 A Yes.

17 Q And while Daniel was in the United States raising money,
18 would he, from time to time, send money back to Cambodia?

19 A Yes, he did he send.

20 Q To help pay for the bills?

21 A Yes.

22 Q And for the school?

23 A Correct.

24 Q And there were donors in the United States who sponsored
25 some of the children who were at Hope Transition Center?

1 A Yes.

2 Q And the sponsors gave different amounts of money to the
3 kids that they sponsored?

4 A Correct.

5 Q But not every sponsor gave the same amount of money --
6 contributed the same amount of money to the child that he
7 sponsored?

8 A Correct.

9 Q So some of the kids received more money from their
10 sponsors than others did?

11 A Yes.

12 Q And some kids got more generous gifts than others?

13 A Yes.

14 Q So some kids would get more expensive gifts, like
15 iPhones?

16 A Yes.

17 Q iPods?

18 A Yes.

19 Q Laptops?

20 A Yes.

21 Q So not all kids received those?

22 A Correct.

23 Q Most didn't receive gifts that expensive?

24 A Correct -- none of us.

25 Q And while Daniel was gone in the United States, he also

1 was trying to obtain and bring back to Cambodia medical
2 supplies?

3 A Yes.

4 Q For the medical clinic?

5 A Correct.

6 Q So he would bring back sometimes blood -- a device to
7 take your blood pressure?

8 A Yes.

9 Q And, of course, money for the other things, for school?

10 A Yes.

11 Q And to dig the wells?

12 A Yes.

13 Q And money for building the churches?

14 A Yes.

15 Q And he needed money to pay for water?

16 A Yes.

17 Q And electricity?

18 A Yes.

19 Q And he brought back equipment for construction, like
20 cement mixing machines?

21 A As far as the cement mixer go, I don't know.

22 Q And he also was able to bring back some vehicles, right?

23 A Yes. He took two vehicles.

24 Q And got them shipped to Cambodia?

25 A Yes.

1 Q Now, you -- I believe you testified on direct, you were
2 paid a salary?

3 A Salary from where?

4 Q When you were the administrator, once you graduated to
5 become the administrator, you had a salary or an allowance?

6 A Yes, they call it offering.

7 Q A love offering. Got that on a weekly basis?

8 A Every month.

9 Q So while Daniel was away fund raising and you were in
10 charge at Hope Transition Center, you would communicate with
11 Daniel on Facebook on almost a daily basis?

12 A Yes.

13 Q And you would discuss with him if there were any
14 problems at Hope Transition Center?

15 A Correct.

16 Q And get his advice on how to handle problems?

17 A Yes.

18 Q So see if you remember some of these texts, the subject
19 of some of these texts. You talked to him about getting
20 money to pay some medical expenses for people?

21 A Yes.

22 Q For Pastor Kim San?

23 A Yes.

24 Q For your father?

25 A Yes.

1 Q Once you asked Daniel to bring back, I think, an iPhone
2 for Pastor Sopheak?

3 A I am not sure, but maybe I did ask for him.

4 Q Do you recall once, Daniel directing you to take food to
5 the people who lived in the garbage dumps?

6 A I don't remember.

7 MR. WEINERMAN: Could I have a moment to see if we
8 can get this --

9 Judge, we may use the Elmo. Judge, this might be a
10 good time -- I think both parties are requesting a break.

11 THE COURT: Folks, let's take our afternoon break.
12 I keep forgetting that we have translators and court
13 reporters who have to stay focused. So we will have the
14 afternoon break and have you out shortly.

15 (JURY OUT.)

16 (Brief recess taken from 2:37 p.m.

17 to 3:03 p.m.)

18 MR. WEINERMAN: Judge I have something that has come
19 up. This is another one of those 412 issues. Which I think
20 we agree, out of the presence of the jury, if the Court would
21 allow it, I could ask some questions of Mr. BT X about
22 something that he put in his declaration that he filed with
23 immigration to get his T visa.

24 And in that declaration, which of course is under
25 oath, he said that he had been sexually abused by another man

1 at Hope Transition Center named Piseth, P-I-S-E-T-H.

2 Although in the declaration it's spelled differently. I
3 think it's a misspelling, but we're really not going to know
4 until he testifies.

5 I think that is admissible to show bias and possibly
6 making a false declaration, that he put that in there because
7 he believed, Mr. BT XXXXXXXX did, that he needed to convince
8 immigration that it was dangerous for him to go back to
9 Cambodia. And at the time he made this declaration, which I
10 think was August 11, 2014 -- and the Court will recall, he's
11 been here for about a year at that time. And at that time
12 Mr. Johnson was still in Cambodia, but on his way back to the
13 United States by the end of the year.

14 And Piseth was in Cambodia, and I want to question
15 Mr. BT X about why he said that. And if, in fact, he said it
16 because he felt he had to be able to establish in the future,
17 after Mr. Johnson was returned to the United States, that
18 there was somebody else in Cambodia that he feared. And he
19 needed to establish that for the purposes of getting his T
20 Visa so he could stay in the United States.

21 So those are the questions I want to ask out of the
22 presence of the jury, and then the Court can make its ruling
23 on whether that's admissible either under 412, or admissible
24 as Brady, or admissible as it goes to his bias and
25 credibility. And I would argue that if he were to deny that

1 that's true, I would think it would certainly be admissible
2 because he's making a false declaration under oath --

3 THE COURT: Okay. Let's hear, first, what the
4 witness says in response to the questions, Mr. Weinerman, and
5 then we can take up argument.

6 MR. SINHA: Thank you, Your Honor. May I grab him?

7 MR. WEINERMAN: -- Judge, we're going to publish the
8 declaration. The jury is not here, but for Court and
9 counsel.

10 THE COURT: Mr. BT X, if you would like to have a
11 seat, I am going to have Mr. Weinerman ask you some questions
12 without the jury here.

13 (Jury not present for the following:)

14 Q BY MR. WEINERMAN: Mr. BT X, you have applied for a T
15 visa, correct?

16 A Yes.

17 Q And in the process of doing it, you filed a declaration
18 with immigration authorities, and you signed it August 11,
19 2014?

20 A Yes.

21 Q And do you recognize the document in front of you on the
22 screen as your -- actually, it's an affidavit?

23 A Yes.

24 Q So I want to ask you some questions about what you said
25 in paragraph 8 of the declaration. That's on the second

1 page. And in that declaration -- in that paragraph you
2 talked about a man named Priseth, P-R-I-S-E-T-H?

3 A Yes. I know Piseth.

4 Q And is that the right way to spell his name, or is his
5 name Piseth, P-I-S-E-T-H, without an R?

6 A Yeah. It looks like it is a wrong -- it's a wrong name.

7 MR. WEINERMAN: And, Judge, I don't know if I can --
8 I would like to show the witness, I have a photograph of who
9 I believe is Piseth.

10 THE COURT: Sure.

11 MR. WEINERMAN: So why don't we put that up. I
12 don't have an exhibit number, whatever our next in order is.
13 We can mark it for identification Exhibit 701, but we don't
14 intend at this time to introduce it.

15 THE COURT: Okay.

16 COURT CLERK: You had 703.

17 MR. WEINERMAN: So it should be 704 -- call it 708.

18 Q BY MR. WEINERMAN: Do you recognize the person in that
19 photograph?

20 A Yes, I remember.

21 Q And is that Piseth?

22 A Yes, his name is Piseth.

23 Q And that's the person you were talking about in the
24 declaration that you filed with immigration?

25 A Yes.

1 Q So if we can go back to the declaration, page 2,
2 paragraph 8. I keep calling it a declaration, it's an
3 affidavit, I am sorry.

4 You read English pretty well, don't you, Mr. BT X?

5 A Yes, I can understand quite a bit.

6 Q So read paragraph 8, and then I am going to ask you some
7 questions.

8 MR. SWEET: Your Honor, because the translator has
9 read everything else to Mr. BT X, could he read that as well?

10 THE COURT: Yes. I think it would be -- I mean,
11 he's adopted this as his statement. I think he said he made
12 the affidavit. It's not necessary for me that he read it out
13 loud.

14 MR. WEINERMAN: I didn't ask him to read it out
15 loud. I asked him to read it to himself.

16 THE COURT: I see. Let me ask this. Mr. BT X, did
17 you, yourself, write this in English?

18 THE WITNESS: No, it was not me.

19 THE COURT: I am going to have the translator read
20 it out loud to you, then.

21 THE INTERPRETER: (Complies.)

22 THE WITNESS: Yes.

23 Q BY MR. WEINERMAN: Let me ask you this. Do you remember
24 reading paragraph 8 before you signed the affidavit?

25 A Yes, I read it.

1 Q And paragraph 8 says that a man named Priseth, whose
2 real name is Piseth, sexually abused you a few different
3 times four years earlier, right?

4 A Yes.

5 Q And you signed this in 2014, so a few years earlier
6 would have been 2010?

7 A Yes.

8 Q And you were around 20 years old in 2010?

9 A Yes, around that time.

10 Q So I have a few questions about Piseth. Have you ever
11 told anybody, before you signed this affidavit, saying that
12 Piseth had sexually abused you? Did you ever tell anybody
13 about that?

14 A No.

15 MR. SWEET: Your Honor, I object. I think it's fine
16 for Mr. Weinerman to ask if this is true and accurate, and
17 perhaps what the motivation would be, but the details of what
18 he did or didn't tell and when --

19 THE COURT: Sustained as to relevance as to whether
20 he told someone else.

21 Q BY MR. WEINERMAN: Is this true?

22 A Correct. I didn't get to tell anyone.

23 Q Is this, what you put in paragraph 8, true, that you
24 were sexually abused by Piseth?

25 A Yes, correct.

1 Q Was it your understanding when you signed this
2 affidavit, that you needed to convince immigration
3 authorities that you feared for your life if you had to
4 return to Cambodia?

5 A Yes, at that time I was scared.

6 Q Did you feel you had to convince immigration that you
7 feared for your life if you returned to Cambodia in order to
8 get the T visa to stay in the United States?

9 MR. SWEET: Your Honor, the witness has already
10 answered that it's true, so there's no impeachment for him
11 for this statement. So I am not sure what the further
12 relevance of this is.

13 THE COURT: By answering it's true, it certainly
14 doesn't come across as a prior false accusation. But I
15 believe Mr. Weinerman is trying to make the argument that
16 because he was willing to put this in an affidavit, this is
17 motivation for not returning to Cambodia, perhaps his
18 testimony here today is an attempt to create a motivation for
19 not having to return to Cambodia.

20 I am not sure if I am seeing -- I believe -- I don't
21 mean to speak for Mr. Weinerman, but generally that's his
22 argument.

23 MR. WEINERMAN: You have given me some good advice
24 during the trial, Judge, so keep it coming.

25 THE COURT: So I think Mr. Weinerman is saying it

1 goes to motivation.

2 MR. SWEET: I guess I am not sure if that's what the
3 question was asking. He said it's true. So even if that's
4 part of the reason he did or didn't say it, I don't see how
5 it's relevant to --

6 THE COURT: The question is, did you include that in
7 the affidavit so that you would convince immigration that you
8 can stay in the United States.

9 Q BY MR. WEINERMAN: Did you put the information about
10 Piseth sexually abusing you in the affidavit in order to help
11 you stay in the United States?

12 A Well, they asked me about the truth, and I just told
13 them about the truth.

14 Q Have you ever told anyone from the FBI in all the,
15 probably half dozen times that you have talked to them, have
16 you ever told them that you were sexually abused by Piseth?

17 MR. SWEET: Objection; relevance.

18 THE COURT: Sustained. I don't see the relevance --

19 MR. WEINERMAN: My argument there is for this to
20 just be disclosed out of the blue in 2014, and it's never
21 come up before in any meetings he's had with the FBI, he's
22 probably talked to them five or six different occasions,
23 probably more, including the prep, and it just doesn't seem
24 credible that this would never come up, and it would only
25 appear out of the blue in an affidavit in order to get a T

1 visa to stay in the United States.

2 I can tell you that as far as I know, the government
3 doesn't even know about this. The government learned about
4 this for the first time, and it just seems to me just not
5 credible that this would just happen like this out of the
6 blue in an affidavit without Mr. BT X telling anybody,
7 whether it's the government, prosecutors, or the FBI.

8 THE COURT: Well, unless there was some interview or
9 a transcript of an interview, Mr. BT X was asked if somebody
10 else abused you and he said no, I agree it might be relevant.

11 But it seems to me, the fact that he's saying
12 somebody else abused him in and of itself doesn't have a lot
13 of relevance to his allegation against Mr. Johnson. It was
14 made in the context of the prosecution of Mr. Johnson.
15 Mr. Johnson was in custody. The FBI was contacting Mr. BT X
16 to ask him about what occurred with Mr. Johnson.

17 Mr. Johnson was contacting the witness to tell him
18 not to say things, it appears. Should it have been asked by
19 a child welfare worker about whether other abuse occurred?
20 Perhaps. But I don't see anything in the record that
21 suggested it was bravado.

22 I don't think it's incumbent on the witness to make
23 a disclosure about every event that occurred in his life, so
24 that by itself is not relevant.

25 I guess if it's connected to the visa application,

1 maybe we may need to discuss that more. Quite frankly, it's
2 still unclear to me, I guess, what kind of visa the witness
3 has and whether he really intends on staying in the United
4 States is a motivation. That really hasn't been asked. It
5 almost sounded to me like he only wants to be here to go to
6 school, but nobody asked him if he plans on returning to --

7 MR. WEINERMAN: I was going to get to that at some
8 point.

9 THE COURT: Well, ask as part of this offer of
10 proof, so I can see if there's any motivation or an argument
11 to be made.

12 Q BY MR. WEINERMAN: Mr. BT X, you as recently as February
13 of this year asked the FBI how you could go about getting a
14 green card, right?

15 A Yes.

16 Q And you know, with a T visa you can apply for a green
17 card within three years, right?

18 A Yes.

19 Q And that's what you intend to do? You intend to apply
20 for a green card to be able to stay in the United States as
21 soon as that three years is up, correct?

22 A Yes.

23 Q I will ask some more questions. A green card means you
24 are legally in the United States, and you can come and go,
25 correct?

1 A That is correct.

2 Q And you can apply to be a citizen within five years of
3 getting a green card?

4 A That's what I heard. I wouldn't know about that.

5 Q You have heard about that?

6 A Yes.

7 Q Other than your attorney -- I don't want you to tell me
8 what your attorney has told you -- how do you know that you
9 could be a citizen after you obtain a green card?

10 A I looked at the website.

11 Q So is that something you intend to do?

12 A Well, my goal is to go to school, like I said earlier.
13 In my family nobody went to the university.

14 Q Right. But aside from that, do you intend to apply to
15 become a US citizen when you are eligible?

16 A That, I don't know. Since the problems started, my life
17 was disarray. So I couldn't plan anything or put anything in
18 order.

19 Q So you are saying you don't know if you are going to
20 apply to be a US citizen?

21 A That is correct. I am not sure yet.

22 Q But you are not ruling it out, are you?

23 A Yes.

24 Q Yes, meaning you are not ruling it out?

25 A Correct.

1 THE COURT: Mr. BT X, could I ask you a question.
2 So are you aware that your status, somebody who has been
3 sexually abused gives you an opportunity to stay in the
4 United States with some kind of visa?

5 THE WITNESS: Prior to coming to the US, I did not
6 know.

7 THE COURT: But once you got here, did somebody, an
8 attorney or somebody, explain that to you?

9 THE WITNESS: Yes, the attorney, he explained.

10 THE COURT: Okay. So after coming to the United
11 States, you understand that because you have been sexually
12 abused, you could apply for a visa to stay in the United
13 States? Is that your understanding?

14 THE WITNESS: Now, yes, I do.

15 THE COURT: Okay. Does the government have any
16 questions they want to ask?

17 MR. SWEET: I have one.

18 BT XX, when you first spoke to the FBI, did you know
19 that being a victim of sexual abuse could result in you
20 getting a visa, the very first time you spoke to the FBI?

21 THE WITNESS: He did not say anything like that, and
22 I did not know anything like that.

23 MR. SWEET: Was it only sometime after speaking with
24 the FBI, that you learned that?

25 THE WITNESS: Yes.

1 MR. SWEET: Your Honor, if I may -- I don't know,
2 perhaps, I should let the Court say first what the rulings
3 are going to be.

4 THE COURT: I think his awareness of the visa
5 process is relevant. It goes towards an argument the
6 government is making that he does have some motivation to
7 present as a victim of sexual abuse. I agree the government
8 has certainly brought forth evidence that well before coming
9 to the United States he was making these allegations, and
10 that certainly goes toward the weight of what the jury is
11 going to accept.

12 I don't think to prove his awareness, though, it
13 requires that we go into a second allegation of abuse. If he
14 was denying that he was aware of this, or he wasn't clear as
15 to what he understood, I think the application for the
16 affidavit and the visa would be relevant.

17 But the witness is saying that once he came to the
18 United States he could stay on a visa if he were a victim of
19 sexual abuse. And that's the relevant motivation and bias,
20 and we're going to do that without going into the allegations
21 that some other individual named Piseth may have sexually
22 abused him eight years ago.

23 MR. SWEET: The government has no issue with that.
24 I did want to clarify that Mr. BT X didn't learn that, he's
25 saying, immediately upon coming to the US, but only sometime

1 after talking to FBI.

2 So to the extent that any allegations of bias are
3 brought up by the defense, all of his prior consistent
4 statements prior to talking to FBI and even his first
5 conversation with the FBI, those all get to come in then.

6 THE COURT: Yes.

7 MR. WEINERMAN: I think they have already come in.

8 MR. SWEET: Well, I think there are more.

9 THE COURT: There are a lot of prior statements.
10 They seem to be all coming in. So bring the jury in.

11 So I am not going to allow any prior incidents of
12 sexual abuse, but we can inquire what he was aware of with
13 regard to visa applications.

14 (JURY IN.)

15 THE COURT: Please be seated, everybody. Folks,
16 thank you for your patience. Sometimes I need to discuss
17 legal issues with the attorneys. We had to have a short
18 discussion, but we're going to return to the
19 cross-examination.

20 Mr. Weinerman.

21 MR. WEINERMAN: Thank you, Judge. And Judge, we're
22 going to ask to publish for the witness and for counsel and
23 the Court, we're going to call it Exhibit 709. It's page
24 334, it's a chat between Mr. Johnson and Mr. BT X.

25 THE COURT: Any objection to it being published?

1 MR. SWEET: No, Your Honor.

2 Q BY MR. WEINERMAN: We can't see it yet. Oh, it is
3 there.

4 COURT CLERK: You wanted that to go to the jury,
5 too?

6 THE COURT: No. No.

7 MR. WEINERMAN: So I don't know whether Mr. BT X
8 wants to read it in English, or have the translator read it.
9 Whatever the Court wants to do.

10 THE COURT: Let's have the translator read it and
11 translate it. We still need to get it up, though.

12 THE INTERPRETER: (Complies.)

13 Q BY MR. WEINERMAN: Mr. BT X, does that refresh your
14 memory of the chat that you had with Mr. Johnson about taking
15 food to some families who needed it, who resided in the
16 slums?

17 A Yes, I remember some.

18 Q And then the next one. The only other one we would like
19 to talk about is -- 329, which would be just for
20 identification only, Exhibit 710, I think is where we are.
21 Again, we will ask the interpreter to translate it for
22 Mr. BT X.

23 THE INTERPRETER: (Complies.)

24 MR. WEINERMAN: And for the record, it's a chat that
25 took place April 27, 2013.

1 THE WITNESS: I remember that.

2 Q BY MR. WEINERMAN: So you were communicating with
3 Mr. Johnson when he was in the United States and you were in
4 Cambodia, correct?

5 A Yes.

6 Q And you were telling him that the ministry was running
7 out of money?

8 A Yes.

9 Q And there was a problem with one of the boys stealing
10 money?

11 A Yes.

12 Q And Daniel Johnson told you what to do in order to stop
13 that from happening, correct?

14 A Yes.

15 Q He told you to check the boy's pockets and bag every
16 morning?

17 A Yes.

18 Q Don't let him go anywhere alone?

19 A Yes.

20 Q And he couldn't leave the center without an older boy?

21 A Yes.

22 Q So he was leaving you in charge of disciplining this boy
23 who was stealing?

24 A Yes.

25 Q Thank you.

1 A Welcome.

2 Q So you applied for a visa to come to the United States
3 in 2012, correct?

4 A Yes.

5 Q And you didn't get the visa?

6 A Correct.

7 Q And Daniel wrote a letter on your behalf so you could
8 get this visa, correct?

9 A Yes.

10 Q And then he wrote another letter of recommendation the
11 following year, so you could get the visa to visit the United
12 States in 2013?

13 A Yes.

14 Q Now, this was a one-year visa?

15 A Yes.

16 Q To study here?

17 A To do volunteer work.

18 Q In an internship?

19 A Yes.

20 Q So during that one-year period between August of 2013 --
21 well, let's say less than a one-year period, between
22 August 2014 and let's say, six months, seven months, you
23 completed this internship in Albany?

24 A Yes, the program finished in Albany in July, 2014.

25 Q But before then, were you able to travel all over the

1 United States?

2 A Yes.

3 Q Went to Texas?

4 A Yes.

5 Q Tennessee?

6 A Yes.

7 Q California?

8 A Yes.

9 Q You went to tourist places?

10 A Yes, tourist places, yes.

11 Q Disneyland?

12 A Yes.

13 Q And at some point, you decided you wanted to stay here,
14 right?

15 A Yes.

16 Q And at some point you decided to talk to the FBI, right?

17 A Yes.

18 Q And that was in February of 2014?

19 A Yes.

20 Q And that's the first time you told them or anyone in the
21 United States about alleged sexual abuse by Daniel Johnson?

22 A Yes.

23 Q And you went to them, the FBI, that is, a few months
24 before your one-year visa was going to expire, correct?

25 MR. SWEET: Objection, Your Honor. Counsel is

1 stating facts that are incorrect regarding who went to who
2 and the date of the meeting.

3 THE COURT: Well, we will have to fix that in
4 cross-examination if there's a dispute about the facts.

5 MR. WEINERMAN: Well, let's see here --

6 Q BY MR. WEINERMAN: So you first met with the FBI on
7 April 14, 2014. Does that sound right?

8 A Yes, maybe around that time.

9 Q And your visa was due to expire in August, your one-year
10 visa, correct?

11 A Yes.

12 Q And when you talked to the FBI in April 17th, you talked
13 to them about extending your visa beyond August, correct?

14 A The first time, in April, when I met with them, we did
15 not talk about visa or anything like that. They asked for
16 the truth, and I just told the truth.

17 Q Did you talk to them about extending your visa?

18 A Yes, I did. I remember it was either in June or July.

19 Q Well, your visa was due to expire in August?

20 A Yes.

21 Q And you are saying you waited until the last month
22 before talking about this?

23 A Yes, it was two -- over two months left.

24 Q And you discovered at some point in 2014, before your
25 visa expired, that if you cooperated in the investigation of

1 Daniel Johnson you could be eligible to get a visa that would
2 allow you to stay in the United States?

3 A Yes.

4 Q And you have been here since August 2013, right?

5 A Yes.

6 Q You have not been back to Cambodia in four-and-a-half
7 years, almost five?

8 A Correct.

9 Q And the FBI helped you get an extension of your visa; is
10 that correct?

11 A Yes.

12 Q And the FBI helped you find an attorney to help you do
13 that?

14 A Yes.

15 Q And the FBI paid for the attorney, correct?

16 A That, I don't know anything that had anything to do with
17 money. I don't know. But according to what I heard from the
18 attorney, he did it voluntarily.

19 Q Do you recall having a chat with Janice Roberts on
20 June 11, 2014?

21 A I used to talk -- I spoke with her, but I don't remember
22 the time or the date.

23 Q Now, she's a lady that has visited Cambodia, Hope
24 Transition Center, right?

25 A Yes.

1 Q Do you recall telling her on June 11 via Facebook chat
2 that the following day you had an appointment with an
3 attorney who will help you extend your visa?

4 A Maybe. I don't remember the time or what I wrote.

5 Q Do you recall her asking, what about the cost of the
6 attorney, who was going to pay?

7 A That, I don't remember.

8 Q Do you remember telling her, The FBI will take care of
9 that, mom?

10 A Yes, maybe.

11 Q Do you want me to show you the chat?

12 A Yes, if I can see it, it will refresh my memory, because
13 it has been a long time so I don't remember.

14 MR. WEINERMAN: We're going to show it right now.
15 And we're just going to publish that to the witness and
16 counsel and the Court. So let's call this 711 for
17 identification only.

18 So could the interpreter translate the highlighted
19 portions, please?

20 THE INTERPRETER: Yes, counsel. (Complies.)

21 THE WITNESS: Yes, that is correct. I remember.

22 Q BY MR. WEINERMAN: So you told Janice Roberts that the
23 FBI was going to take care of your attorney, pay for it, or
24 somehow get an attorney for you without you having to pay for
25 it?

1 A Yes, I told her that the FBI was the one who contacted
2 and helped.

3 Q And your visa was extended before it expired?

4 A Yes.

5 Q And it allows you to work?

6 A Yes.

7 Q And have you been working since you got this new visa?

8 A Yes, I have been working at the grocery store.

9 Q In Beaverton?

10 A Yes.

11 Q And did you also -- does this visa also allow you to go
12 to school?

13 A Yes.

14 Q And to get financial aid?

15 A Yes.

16 Q And you have been able to do both, go to school and get
17 financial aid, correct?

18 A Yes.

19 Q So you obtained another visa in 2016, which allows you
20 to stay here until 2020, correct?

21 A Yes.

22 Q And you are allowed to apply for a green card within
23 three years, correct?

24 A Yes.

25 Q And you have asked the FBI when you could apply for a

1 green card?

2 A Yes.

3 Q And just in case anyone doesn't know what a green card
4 is, that's also known as a permanent resident alien card,
5 correct?

6 A Yes.

7 Q And that will allow you to live in the United States for
8 as long as you want, correct?

9 A Yes.

10 Q And you could leave the United States and come back if
11 you want?

12 A Yes.

13 Q And it also allows you, within five years after
14 obtaining the green card, to become a United States citizen?

15 A Yes.

16 Q Have you also talked about the subject of filing a
17 lawsuit against Daniel Johnson?

18 A Yes, the attorney also asked me if I have spoke about
19 that -- spoken about that.

20 Q So you have talked to her about that?

21 A Yes, I spoke to her a bit.

22 Q And it's your understanding, Mr. BT X, that to obtain
23 this visa and to be able to remain in the United States, you
24 have to cooperate with the FBI in the investigation and the
25 prosecution of Daniel Johnson, correct?

1 A Yes.

2 MR. WEINERMAN: If I can just have a moment, Judge.

3 THE COURT: Sure.

4 Q BY MR. WEINERMAN: So I want to ask you a few more
5 questions about some of the chats you have had with Daniel
6 Johnson. And the first one I want to ask about is, do you
7 recall talking to Daniel Johnson directly or chatting with
8 him on Facebook complaining about his discipline of the boys
9 at Hope Transition Center?

10 A Yes, I remember.

11 Q You told him he acted too strongly and too seriously for
12 what you believed were small problems, or violations of the
13 rules?

14 A Yes.

15 Q That he overreacted in his discipline?

16 A Yes.

17 Q I believe you also testified about a chat -- I believe
18 we talked about this -- a chat that you had with Daniel
19 Johnson after you were in the United States, which would have
20 been in September after you just got here, in which Daniel
21 Johnson asked you not to speak bad about him in the United
22 States. Do you recall that?

23 A Yes, I remember.

24 Q And was it not your understanding that Daniel Johnson
25 was concerned about how that would affect fund raising?

1 A Yes.

2 Q So he wanted to make sure that there would be enough
3 money to run the center, and he didn't want you to speak
4 badly about him and affect what the donors would give to Hope
5 Transition Center, correct?

6 A Yes.

7 Q Were you also concerned, once you left Hope Transition
8 Center and came to the United States -- let me strike that
9 and start again.

10 Do you recall also talking to Daniel Johnson about
11 being disappointed that he was handing over many of the
12 projects at Hope Transition Center to Pastor Sopheak?

13 A Yes, I remember that.

14 Q You were disappointed that he was giving Pastor Sopheak
15 more responsibility than he was willing to give you; is that
16 correct?

17 A That is incorrect. It was not like that.

18 Q Well, Pastor Sopheak and you were both running or
19 administering Hope Transition Center when Daniel was away
20 fund raising, correct?

21 A Yes, the pastor and I worked together.

22 Q Were you hurt -- let me ask you this.

23 At some point did you believe that Daniel was giving
24 more responsibility to Pastor Sopheak than he was giving to
25 you, particularly while he was gone fund raising?

1 A Are you asking me when I was in Cambodia, or when I was
2 in the US?

3 Q Let's start first in Cambodia.

4 A In Cambodia I spend most of my time at school. And
5 Pastor Sopheak, he went to oversee the churches.

6 Q And did you also do work as an administrator at Hope
7 Transition Center, even while you were going to school?

8 A Yes, that is correct.

9 Q And since Daniel was arrested, Pastor Sopheak has taken
10 over the ministry; is that correct?

11 A Yes.

12 Q So I would like to ask you some questions about your
13 communications with some of the other boys who testified in
14 this case.

15 A Yes.

16 Q Since you left Cambodia and came here in August 2013,
17 have you communicated with many of the boys?

18 A Yes, I asked them how they were doing. I contacted a
19 few of them.

20 Q So since you left Cambodia, have you talked to S0 XXX?

21 A Yes.

22 Q "ES XXX" -- "ES XXX," I am sorry.

23 A ES XXX, I rarely talk to him.

24 Q LS X?

25 A LS X, not at all.

1 Q CC X?

2 A CC X, yes, I contacted him to see how he was doing.

3 Q VS XXXX?

4 A VS XXXX, nothing at all. I never contacted him.

5 Q PE XX?

6 A PE XX, once in a while.

7 Q Do you recall having a Facebook chat -- let me strike
8 that.

9 Do you recall calling PE XX and talking to him about
10 a way to go to the United States, a way to come to the United
11 States?

12 A That, I don't remember.

13 Q Have you talked to any of the boys since they arrived in
14 the United States last month?

15 A Yes, I spoke with them, asking them how they are doing.

16 Q Which ones have you talked to?

17 A Mostly with the kids that I know.

18 Q Which ones are those?

19 A SO XXX, CC X, ES XXX, LS X, and Pastor Sopheak, PE XX
20 and LT XXXXXXXX. That's all.

21 Q Have you talked to them about your visa?

22 A No.

23 Q Have you told them that you are going to be able to stay
24 in the United States indefinitely?

25 A No, I never did.

1 Q Did any of them ask you how you have been able to stay
2 in the United States so long?

3 A They asked me before, and I said I went -- I came here
4 to go to school, so they knew that I came here to go to
5 school so they stop asking.

6 Q The e-mail, the Facebook account that you used to
7 communicate with Daniel Johnson through 2014 has been shut
8 down; is that correct?

9 A I didn't use it that much.

10 Q Do you have a new Facebook account?

11 A Now I am using the old one again.

12 Q And which one is that? What is the name?

13 A The name is BT XXXXXXXXXXXXXXXX.

14 Q Have you been using another Facebook account under the
15 name BT XX XXXXXXXX, X-X-X-X-X-X-X-X?

16 A Yes.

17 Q When did you start using that account?

18 A That account, I started with other accounts, so I have
19 it -- I have been having it for a long time.

20 Q And have you communicated with any of the boys we have
21 been talking about using that account?

22 A Yes. I would just contact them and ask them how they
23 were doing through that account.

24 Q Have you been asked by the FBI to sign over permission
25 for them to look at your chats in that account?

1 A No.

2 MR. WEINERMAN: Nothing further. Thank you.

3 THE COURT: Redirect.

4 MR. SWEET: Thank you, Your Honor.

5
6 REDIRECT EXAMINATION

7 BY MR. SWEET:

8 Q BT XX, when you spoke to the FBI in April of 2014, did
9 they call you or did you call them?

10 A They didn't call me directly. They called my boss.

11 Q So they reached out to you through your boss; is that
12 right?

13 A Yes.

14 Q And over the subsequent meetings that you had with the
15 FBI, who brought up the matter of a visa, you staying in the
16 US? Was it the FBI or was it you?

17 A I remember the attorney called and I asked, how did the
18 attorney know my number. And the attorney said the FBI gave
19 my number to him or her.

20 Q And so that was an immigration attorney that called you?

21 A Yes.

22 Q And that attorney got your number from the FBI?

23 A Yes.

24 Q And BT XX, when you first spoke to the FBI, were you
25 reluctant or nervous about being a witness against

1 Mr. Johnson?

2 A Yes, I was very scared.

3 Q And do you recall talking or chatting with Kelby
4 Alderson regarding being nervous about this?

5 A Yes, I told --

6 THE INTERPRETER: I am sorry, the interpreter wants
7 to know the gender of Kelby.

8 Q BY MR. SWEET: Kelby is a male, correct?

9 A Yes, I told him.

10 Q And could we pull up 276, please, just for counsel and
11 for Mr. BT X.

12 And BT XX, did you say to Mr. Alderson, Hi brother,
13 how are you doing today? Did you know I talked to the
14 detective yesterday?

15 A Yes, I remember.

16 Q And was this on April 18, 2014, if you can see a date?

17 A Yes.

18 Q And did you say, It went good, but they want me to be
19 witness at the court when Daniel get back to the US?

20 A Yes, I remember.

21 Q I didn't agree with them yet. I am still feeling
22 nervous about this Bro. Please pray for me.

23 A Yes.

24 Q And it's such a hard decision to make. I am so
25 exhausted that I have been through all of these things.

1 A Yes.

2 Q BT XX, does that sum up how you felt at the time?

3 A Yes. At that time it was very confusing.

4 Q And BT XX, did the FBI or the government want you to
5 stay in the United States to be a witness for this case?

6 A No, they asked me to make my own decision, whether to
7 stay and go to school, or to go back and come back.

8 Q And have you been back to Cambodia in the last, well,
9 since you have arrived in 2013?

10 A Not yet.

11 Q Did you want to go back?

12 A Yes, I do, because I want to see my mom and my dad,
13 because they are older now, and I am afraid that I can't see
14 them again.

15 Q BT XX, has anyone ever told you that you had to make up
16 allegations against Mr. Johnson to get a visa?

17 A Nobody told me anything like that.

18 Q Has anyone told you that you will lose your immigration
19 status if you don't cooperate with the FBI, or if you change
20 your testimony?

21 A Nobody told me.

22 Q BT XX, have you fabricated testimony against Mr. Johnson
23 so that you can go to Disneyland in the United States?

24 A No, I never fabricated anything.

25 Q And BT XX, have you told people about Mr. Johnson's

1 abuse of you and others long before you spoke to the FBI?

2 A Yes, that is correct.

3 Q And on February 5th, of 2014, did you directly confront
4 Mr. Johnson in a message about his sexual abuse of children?

5 A Yes.

6 Q And that's prior to meeting with the FBI?

7 A Yes.

8 Q And did you speak with Knott, Mr. Johnson's significant
9 other, within hours or within the same day of Mr. Johnson's
10 arrest?

11 A Yes, I contacted Knott.

12 Q And I am going to conclude with a few messages, BT XX,
13 with Exhibit 277, just for counsel and BT XX, please.

14 BT XX, some messages should pop up. So I would like
15 to show you, does it say, "I have been praying for him six
16 years and I did go to talk with him, but he's still the
17 same"?

18 A Yes.

19 Q "And actually I knew one day this was going to happen to
20 him, and I did tell him but he didn't take my word."

21 A Yes, I remember that.

22 Q And is that right after you learned of Mr. Johnson's
23 arrest?

24 A Yes.

25 Q And then the next page, did you tell Knott -- did you

1 tell Knott he committed sexual -- "I don't know the story for
2 sure, but I just know he had sex with one of the boy in
3 center. When I talked with him about this, he cried a lot
4 and he want to commit suicide. He told me he wants to
5 change, but he can't."

6 Did you write that to Knott on December 9, 2013?

7 A Yes.

8 Q And then did Knott on the same day, on the same day did
9 Knott ask you -- "Did you have sex with him?" And you
10 responded, "I knew already God will allow this to happen."

11 You said, "No." And then, "He try to, but I didn't
12 allow."

13 Did you write that to Mariah Knott on December 9,
14 2013?

15 A Yes.

16 Q And you talked about Mr. Johnson, and you talked about
17 loving him, and you talked about your religion. Was part of
18 your motivation for talking about Mr. Johnson and his
19 activity, you were concerned for his salvation?

20 A Yes.

21 Q And on the same day that you first sent Mr. Johnson a
22 message regarding the path he was taking, did you write
23 Knott, "I already made a finally decision. If I make him
24 angry and he stop talking with me, it's fine. But I want to
25 see him repent from his sins, then he can go to" -- it says

1 "haven"?

2 A Yes.

3 Q Is that part of why you talked about Mr. Johnson and
4 what he did is because you were worried about his soul?

5 A Yes.

6 MR. WEINERMAN: A few more, Judge.

7
8 RE CROSS EXAMINATION

9 BY MR. WEINERMAN:

10 Q So you talked to the FBI in April of 2014, correct?

11 A Yes.

12 Q And when you engaged in these chats, you weren't sure
13 what you were going to do, right?

14 A Yes.

15 Q They wanted you to cooperate against Daniel Johnson, and
16 you weren't sure?

17 A Correct.

18 Q And they sent you to an attorney that they found for
19 you?

20 A Yes.

21 Q And you -- they either paid for it, or got the attorney
22 to do it for free, correct?

23 THE COURT: Mr. Weinerman, we have covered all of
24 this.

25 MR. WEINERMAN: It's recross. They went through the

1 same --

2 THE COURT: It's cumulative. We're just repeating
3 what he's already said, so get to the point.

4 MR. WEINERMAN: I will be getting there.

5 Q BY MR. WEINERMAN: And after you talked with the
6 attorney, you decided you were going to cooperate, correct?

7 A Yes, I decided to tell the truth, the entire truth. I
8 no longer wanted to hide.

9 Q And you made that decision after you learned from the
10 attorney that you could get a visa to stay here indefinitely?

11 A No, I made the decision prior to the T visa. I did not
12 know anything about it. I already made my decision, and I
13 was determined to tell the truth whether I was to be able to
14 stay or to leave.

15 Q But you have been here since August of 2013?

16 MR. SWEET: Objection; relevance at this point, Your
17 Honor.

18 THE COURT: I think it's been covered.

19 MR. WEINERMAN: Thank you.

20 THE COURT: Mr. BT X, thank you very much. You are
21 free to step down.

22 MR. SINHA: I think we have a couple of witnesses
23 that we're hoping to be quick. If the Court will allow, we
24 will at least get one on.

25 The next witness for the United States is Lindsay

1 Alderson.

2 THE COURT: Step up to the witness stand to my left.
3 We will move one chair out of your way. Step up here, and I
4 will have you raise your right hand.

5
6 LINDSAY ALDERSON,
7 produced as a witness, having been first duly sworn, was
8 examined and testified as follows:

9 THE WITNESS: Yes.

10 THE COURT: If you would like to have a seat, pull
11 up -- and see that little button. That's a microphone to
12 pick up your voice. We have a court reporter who is taking
13 down everything that is being said, so speak up and maybe
14 speak slowly, even though you might be nervous.

15 If you can begin by stating your name and spelling
16 the last for the record.

17 THE WITNESS: Lindsay Alderson, L-I-N-D-S-A-Y,
18 Alderson, A-L-D-E-R-S-O-N.

19 THE COURT: Go ahead, counsel.

20 DIRECT EXAMINATION

21 BY MR. SINHA:

22 Q Good afternoon, Ms. Alderson. Tell us about yourself.
23 Where is it that you live?

24 A I live in Texas, Gladewater, Texas.

25 Q What part of Texas is Gladewater in?

1 A East Texas.

2 Q What do you do there?

3 A I'm a nurse.

4 Q Do you have any children?

5 A I have two children, two girls.

6 Q How old are they?

7 A 19 and 15.

8 Q Are you married?

9 A Yes.

10 Q What is your husband's name?

11 A Kelby.

12 Q Ms. Alderson, I think you know the topics that I want to
13 talk to you about today, so we will just get right to them.

14 Do you know Daniel Johnson?

15 A Yes, I do.

16 Q How did you meet Mr. Johnson?

17 A He was a missionary in Cambodia, and he came to our
18 church there in Texas in 2012 and started speaking about the
19 ministry there, and the orphanage there in Cambodia.

20 Q So tell me about your church in Gladewater?

21 A So we're a Baptist church. We have approximately 300
22 members, probably 150 showing up each Sunday, just kind of a
23 small church, but we're mission-minded. So we do Cambodia
24 and Belize ministries out of our church.

25 Q Which one of those two were you doing first?

1 A Cambodia.

2 Q So is it common for people to come speak to your
3 congregation?

4 A Yes. We, as a matter of fact, just had a missionary
5 from Africa come.

6 Q So what was the -- when Mr. Johnson came to speak to the
7 congregation, what were the things he was talking to you
8 about?

9 A Just the types of work that was being done over there.
10 We actually got to Skype. He had on the big screen Skyping
11 with the children. And that's how we just knew we wanted to
12 go, because of that Skype and seeing the kids there.

13 Q And when you say "we," who are you referring to?

14 A My husband and I.

15 Q What was the -- did you understand the purpose of
16 Mr. Johnson coming to your congregation? Can you give us
17 some specifics?

18 A Sure. So I felt like he was coming to raise funds to
19 help with the ministry there. And I think also only one
20 trip, maybe two trips had been done out of our church prior
21 to that, me meeting him, so maybe just to get more people on
22 board to coming there to Cambodia.

23 Q So did you and your husband, Kelby Alderson, ever go to
24 Cambodia?

25 A Yes, we have been -- this will be seven years that we

1 have been going.

2 Q What was the first year, do you recall, that you went?

3 A 2012 in May to June area, I believe.

4 Q Did you usually go the same time of year?

5 A Yes.

6 Q Did you go in 2013?

7 A I did.

8 Q And did you go in 2014?

9 A Yes.

10 Q So it sounds like you went twice prior to Mr. Johnson
11 being arrested?

12 A Yes.

13 Q And then you went at least once afterward; is that
14 right?

15 A Yes, that's right.

16 Q Just real quickly before we move on, when Mr. Johnson
17 came to your church to ask for money, did he make multiple
18 trips to the church, or was it just that first time?

19 A There were several times that he would come and speak at
20 our church, and kind of update on what was going on with the
21 ministry there.

22 Q And was it your understanding when he came to speak at
23 the church that he had come from Cambodia to do fund raising,
24 and that at some point after speaking to your church he was
25 headed back to Cambodia?

1 A Yes.

2 Q For all of those times he came to the church?

3 A Yes, sir.

4 Q So tell me a little bit, since you had been to Cambodia
5 twice before his arrest, tell me about those trips and what
6 you experienced during those trips.

7 A Sure. So year one we went, small group, approximately
8 five people. We did ministry in villages, so we would go out
9 and do -- hand out rice and oils, and those types of things
10 to the community there, and the villages. Spend a lot of
11 time with the boys there in the orphanage, and there was some
12 church services that we attended and were part of in the
13 villages. And a lot of just witnessing, and things like
14 that. Eyeglass ministry where we hand out reading glasses to
15 the village people there.

16 Q So it sounds like you were pretty active with Hope
17 Transition Center when you were over there?

18 A Yes, sir.

19 Q And was there a point at which Mr. Johnson talked to you
20 about, perhaps, becoming a member of a board of directors for
21 Hope Transition Center?

22 A Yes.

23 Q Tell me about that. When was that, about?

24 A That was 2013. There was several of us that went on
25 that trip, approximately 12 to 13 people, I believe. And at

1 that time there were several of us who were asked to be on a
2 board for Hope Transitions. And due to my medical
3 background, I would be kind of involved with that medical
4 portion of the work.

5 Q And did they ever form a board of directors that you
6 joined?

7 A We -- I don't think that there was ever really a board
8 made. I know we had initiated that process in 2013, just
9 giving him -- we gave Daniel our information, our licenses
10 and those things, and I am not certain that it was ever
11 official, though.

12 Q And was -- what happened that stopped the process of
13 forming a board from going forward?

14 A Well, Daniel was arrested.

15 Q And so after the arrest in Cambodia, did you think that
16 Daniel was being falsely prosecuted?

17 A Initially, I did.

18 Q And was there a point at which you came to believe --

19 MS. MAXFIELD: Your Honor, I object to this line of
20 questioning about what she believes with respect to my
21 client's guilt or innocence.

22 THE COURT: You need to ask it in a different way.

23 Q BY MR. SINHA: Was there anything that happened after
24 Daniel's arrest that caused you -- was there anyone -- did
25 you ever speak to any of the kids who lived at the orphanage

1 and learn something from them about whether or not Daniel had
2 sexually abused them?

3 A Let me think about the time frame, but before my trip
4 in -- following Daniel's arrest, we had BT XXXXXXXXXXXX come to
5 stay with us in Texas for a short stay.

6 THE COURT: Could I clarify. BT XXXXXXXXXXXX is BTXX
7 XXXX, our last witness?

8 MR. SINHA: Yes, Your Honor.

9 THE WITNESS: Sorry.

10 THE COURT: No, that's okay.

11 THE WITNESS: Prior to his arrival to Texas, I was
12 convinced --

13 MS. MAXFIELD: Your Honor, I object to the line of
14 questioning, whether she's convinced in Mr. Johnson's guilt
15 or innocence is irrelevant.

16 THE COURT: Be careful to just answer the question
17 that is being asked.

18 So reask the question, please.

19 Q BY MR. SINHA: Ms. Alderson, what if anything did BT XX
20 tell you during this trip, about Daniel abusing him?

21 A BT XX told me that the accusations of sexual molestation
22 were true.

23 Q Was there a point at which you ever talked to any of the
24 other children who lived at the orphanage about Daniel
25 Johnson sexually abusing them?

1 A Yes, in my -- on my trip in 2014, it was approximately
2 May or June, CC X, as well as SO XXX had both told me that
3 the accusations were true.

4 Q And with regards to CC X, is that CC XXXXXX, who we
5 refer to as CC XXXXXX?

6 A Yes.

7 Q Do you remember specifically what he told you that
8 Daniel had done to him?

9 A He told me that Daniel would call him into his room and
10 touch him down there, and he pointed to his private areas.

11 Q That was his genital area?

12 A Yes, sir.

13 Q Did he tell you anything else about how the abuse would
14 be initiated by Mr. Johnson?

15 A He just said Daniel would call him into his room and
16 touch him in his private areas.

17 Q After he told that to you, was there a point at which
18 you participated in videotaping CC X speaking about these
19 things?

20 A Yes, sir.

21 Q What was the reason you made the video?

22 A There were several people in Texas who were uncertain --

23 MS. MAXFIELD: I am going to object again with
24 respect to whether the congregation believed that my client
25 was guilty or innocent.

1 THE COURT: Sustained.

2 Q BY MR. SINHA: Did you make the video to document CC X's
3 statement?

4 A Yes.

5 Q What about SO XXX? What did SO XXX tell you about
6 Daniel abusing him?

7 A SO XXX told me that, along the same lines, Daniel would
8 call him into his room, and touch him. Again, he pointed to
9 his genital area. He said --

10 Q You can take a moment, if you want to.

11 A He said that on one episode, that there was two boys in
12 the room, him and another boy. And that he had pretended he
13 was asleep while the other boy was being molested to avoid
14 being molested himself.

15 Q Did CC X identify the other boy?

16 A That was SO XXX who said that.

17 Q I am sorry.

18 A Not to my recollection. I can't recall who it was.

19 Q And both your conversation with CC X and your
20 conversation with SO XXX took place in approximately May or
21 June of 2014?

22 A Yes.

23 MR. SINHA: Give me just one second, if I could,
24 Your Honor.

25 MS. MAXFIELD: Were you --

1 THE COURT: Wait a minute.

2 MS. MAXFIELD: I am sorry.

3 MR. SINHA: Thank you, Your Honor. I am going to
4 pass the witness.

5 THE COURT: Cross-examination.

6

7 CROSS EXAMINATION

8 BY MS. MAXFIELD:

9 Q Were you CC X's financial sponsor before Mr. Johnson's
10 arrest?

11 A Yes, ma'am.

12 Q And when you sponsored him, what sort of things did you
13 take care of for CC X?

14 A I would send -- starting in 2013, I became his sponsor
15 and I would send \$60 per month to the Hope Transition Center
16 fund for whatever needs he needed.

17 Q So that was to pay for CC X's clothing, pay for CC X's
18 schooling, pay for the things -- maybe buy some nice things
19 for CC X, as well?

20 A Yes, ma'am.

21 Q Were you the only church sponsor for Mr. CC X?

22 A To my recollection, yes, ma'am.

23 Q And then after Mr. Johnson's arrest, you continued to
24 support him; is that right?

25 A Yes.

1 Q So when he made these statements to you, he was relying
2 on you for financial support?

3 A Yes, ma'am.

4 Q And what about SO XXX? Did SO XXX rely on you for
5 financial support as well?

6 A Not until 2014.

7 Q And so when SO XXX talked to you in 2014, were you his
8 financial sponsor?

9 A Not at that time, no ma'am.

10 Q How soon after that were you?

11 A After my trip, following that mission trip, so I would
12 say probably July -- end of June, July of 2014.

13 Q So somewhere between weeks and a month you became his
14 sponsor?

15 A Yes, ma'am.

16 MS. MAXFIELD: Nothing further. Thank you.

17 THE COURT: Any redirect?

18 MR. SINHA: No, Your Honor.

19 THE COURT: Thank you very much. You are free to
20 go.

21 Next witness.

22 MR. SWEET: The government calls Kelby Alderson.

23 THE COURT: Sir, if you would step up to the witness
24 stand to my left. Step up the stairs and just remain
25 standing for just a moment.

1 KELBY ALDERSON,
2 produced as a witness, having been first duly sworn, was
3 examined and testified as follows:

4 THE WITNESS: I do.

5 COURT CLERK: Please be seated. State your name for
6 the record, spelling your last.

7 THE WITNESS: Kelby Alderson, A-L-D-E-R-S-O-N.

8 THE COURT: Spell the first name, too.

9 THE WITNESS: K-E-L-B-Y.

10 THE COURT: The microphone is a little button in
11 front of you. If you move up, it will pick up your voice.
12 We have a court reporter who is taking down everything that
13 is said, and keep your voice up, and speak a little slower
14 than normal.

15 DIRECT EXAMINATION

16 BY MR. SWEET:

17 Q Good afternoon, sir. Could you tell me, sir -- and
18 we're going to know a lot of these answers because we just
19 talked to your wife.

20 Where do you live, please?

21 A Gladewater, Texas.

22 Q And how are you employed?

23 A I am employed with a large environmental services
24 company.

25 Q And again, because we just spoke to your wife, I am

1 going to skip some of the preliminary questions.

2 But could you tell us, please, do you know
3 approximately when you first met Daniel Johnson?

4 A It was either end of 2011, 2012.

5 Q And after you met him, did you begin supporting his
6 orphanage in Cambodia?

7 A Yes.

8 Q And did you become friendly with Mr. Johnson?

9 A Yes.

10 Q Did you start making trips to Cambodia, as well?

11 A Yes.

12 Q When you went to Cambodia, what was your impression of
13 life at the orphanage?

14 A It was good. We loved Daniel, we liked him. The kids
15 loved Daniel, and it was -- seemed to be a very close family.

16 Q And were the kids -- did they have shelter?

17 A Yes.

18 Q And did they have enough food?

19 A Yes.

20 Q Clothes?

21 A Yes.

22 Q Money for school?

23 A Yes.

24 Q And do you recall what years you went -- you first went
25 to Cambodia?

1 A 2012 was our first trip there.

2 Q And did you go again in 2013?

3 A Yes, sir.

4 Q So I would like to jump ahead a little bit until 2014.

5 Was there a time when BT XXXXXXX came and visited you and

6 your wife in Texas?

7 A Yes.

8 Q And I am going to show you --

9 MR. SWEET: Ask that this be produced for

10 Mr. Alderson and the defense. This is just an excerpt of a

11 chat marked as Exhibit 301. I will give counsel an

12 opportunity to look at this, because we just put this

13 together. It's short. And I am going to ask regarding your

14 recollection about the date.

15 Q BY MR. SWEET: And Mr. Alderson, do you see something on

16 your screen to the left?

17 A Yes, sir.

18 Q Does it discuss a date for when you would be picking up

19 BT XXXXXXX?

20 A Yes.

21 Q And what is that date, please?

22 A April 8, 2014.

23 Q And then when it talks about seeing him tonight, is that

24 actually on April 9th? The very last chat. Okay, see you

25 tonight.

1 A Yes.

2 Q And do you believe that that is about the time, as far
3 as you recall, when Mr. BT X -- when BT XXXXXXXX came out to
4 see you?

5 A Yes.

6 Q And did he -- did BT XX stay at your house?

7 A Yes.

8 Q When he came to your house, did you and your wife have a
9 talk with BT XX that evening?

10 A Yes.

11 Q And did BT XX say anything to you about Mr. Johnson?

12 A Yes.

13 Q In essence, what did he say?

14 A The specific details of BT XX with the conversation in
15 our living room, I have vague memory of -- the overall
16 conversation was, were the allegations against Daniel Johnson
17 true or false. And my wife may remember more details than I
18 do, but the response we got from BT XX, was yes, that they
19 were true.

20 Q Was BT XX upset when he was talking with you?

21 A Yes, of course. It's a very uncomfortable conversation
22 to have, but yes.

23 Q And do you recall if you were talking about BT XX --
24 specifically about BT XX being sexually abused by
25 Mr. Johnson?

1 A Yes, because those were the allegations. So yes.

2 Q So BT XX was saying, essentially, that it was true that
3 he was abused by Daniel Johnson?

4 A Yes.

5 Q A few months later, in the same year in 2014, did you go
6 to Cambodia with your wife?

7 A Yes.

8 Q And did you speak with SO XXX?

9 A Yes.

10 Q What do you recall, if anything, regarding statements
11 SO XXX made about any abuse?

12 A Yes. SO XXX's response was the same, that the
13 allegations were true and that they did happen to him, as
14 well. And at the same time SO XXX was living in another
15 apartment by himself, and had separated himself from the home
16 that they were living in.

17 Q And did you encourage him to go -- to stop living by
18 himself?

19 A Yes. Yes, we did.

20 Q Where did you encourage him to go back to, or go to?

21 A Go back to the home of Sopheak, home where the other
22 kids remained that was able to remain there.

23 Q And when you say Sopheak, is that known, essentially, as
24 Pastor Sopheak?

25 A Pastor Sopheak, yes.

1 Q Do you know him well?

2 A I do. I have gotten to know him very well, more so
3 since 2014.

4 Q And just to clarify one thing, when you said that SO XXX
5 essentially confirmed that the allegations regarding
6 Mr. Johnson were true, was he stating that he was -- was
7 SO XXX stating that he was sexually abused by Mr. Johnson?

8 A Yes.

9 Q And CC XXXXXX, did you have a similar conversation with
10 CC XXXXXX?

11 A Yes, sir.

12 Q Was this also on the same trip of May or June of 2014?

13 A Yes, sir. Yes, I believe that was the same trip in
14 2014.

15 Q Best that you can recall, what did CC X say?

16 A CC X revealed that he would be called into Daniel
17 Johnson's room, and would be asked to touch him. And he
18 would say no, but Daniel would do it anyway.

19 Q And when you say touch him, was it -- was he talking
20 about being touched sexually?

21 A Yes.

22 Q And just to conclude, going back to SO XXX for just a
23 moment, did SO XXX mention who was funding his separate
24 apartment?

25 A Yes. He said Daniel was giving him money. I am not

1 sure if it was direct or through other means, but Daniel was
2 funding him to live in his own separate apartment, away from
3 everyone else.

4 MR. SWEET: Thank you, Mr. Alderson.

5 THE COURT: Cross-examination.

6 MS. MAXFIELD: None.

7 THE COURT: Mr. Alderson, thank you very much. I
8 think that wraps up today's testimony. I really do
9 appreciate the work today. I know some of these are a little
10 bit long, and there's a lot of detail but I appreciate it
11 very much.

12 So please, as you head home, drive safe. If you
13 are -- I do try to explain a little bit about the Federal
14 Court system, which I haven't been able to do. Jurors often
15 ask, why is it we're coming from so far to hear a case in
16 Eugene?

17 There's only two main Federal Court houses in
18 Oregon, one is in Portland and one is in Eugene. We have
19 satellite courts in Medford and Pendleton, so I go to Medford
20 every other month to manage cases down there.

21 The Eugene Division, if you take the entire middle
22 of the state from the coast, Florence, Newport, down to Coos
23 Bay, across through Salem, Woodburn -- I think some of you
24 are from Woodburn -- all the way to Roseburg almost to Grants
25 Pass, start heading over the mountains to Bend and Lake

1 County, and that's our division. And we have to draw jurors
2 randomly from our division.

3 In State Court when I was in Portland, it was
4 Multnomah County Circuit Court, and it was just jurors from
5 Multnomah County. But here in Eugene, we really are
6 required, by law, to use everybody in the division.

7 So that's why some of you are coming from very far
8 away. So that's your lesson on the Federal Courts today. We
9 will see you tomorrow at 9:00.

10 (JURY OUT.)

11 THE COURT: We're off the record.

12 (Proceedings concluded at 4:47 p.m.)

1 STATE OF OREGON)

2) ss

3 COUNTY OF YAMHILL)

4
5 I, Deborah L. Cook, RPR, Certified Shorthand
6 Reporter in and for the State of Oregon, hereby certify that
7 at said time and place I reported in stenotype all testimony
8 adduced and other oral proceedings had in the foregoing
9 hearing; that thereafter my notes were transcribed by
10 computer-aided transcription by me personally; and that the
11 foregoing transcript contains a full, true and correct record
12 of such testimony adduced and other oral proceedings had, and
13 of the whole thereof.

14 Witness my hand and seal at Dundee, Oregon, this
15 7th day of May, 2018.

16
17
18 _____
19 DEBORAH L. COOK, RPR
20 Certified Shorthand Reporter
21 OREGON CSR #04-0389
22 CALIFORNIA CSR #12886
23 WASHINGTON CSR #2992
24
25